

Navigating U.S. Bar Exam Requirements for Foreign-Trained LL.M. Students

Marni Goldstein Caputo, Assistant Director & Director of International Advising, Office of Career Services, Harvard Law School

Polly Lawson, Assistant Dean for Graduate Studies, University of Virginia School of Law

Clara Solomon, Director, Counseling & Career Development Office, NYU School of Law



Navigating U.S. Bar Exams

- **The Numbers**
 - How many foreign-trained LL.M.s take the bar? How many pass?
 - How many firms require/prefer students to take the bar?
- **Counseling LL.M.s About the Bar**
 - Factors to be considered? What resources/programs can you provide?
 - MPRE: When is the best time to take it?
- **States Where LL.M.s Can Take the Bar & Relevant Rules**
 - New York
 - District of Columbia
 - California
 - Massachusetts
 - Other States
- **Questions & Wrap Up**

Foreign-Trained Bar Applicants 2013 Snapshot

Number of Applicants / Pass Rates

- Nationwide: 5,930 / 32%
- New York: 4,601 / 35%
- California: 911 / 17%

The Employer's Perspective...

*results from Fall 2014 survey of employers participating in NYU's International Student Interview Program: 290 individual survey responses

U.S. Bar Required: 77

- US: 15
- Asia: 21
- Europe: 35
- Latin America: 6
- Middle East: 1
- (Only NY: 44)**
- "Global" Firms: 61**

U.S. Bar Not Required: 213

- US: 33
- Asia: 22
- Europe: 112
- Latin America: 40
- Middle East/Other: 5
- "Global" Firms: 109**

Advising LL.M.s About the Bar

- **Big Picture**
 - Will taking the bar classes really change the student's desired course of study?
 - How much does that student want a bar-required job (Plan A v. Plan B)?
 - How realistic is it?
- **Individual Factors To Consider**
 - Short & long term career goals
 - Geography
 - Practice Areas
 - Practice Setting
 - Timing
 - Cost
 - Law School Culture/Logistics

Programming & Resources

- **Summer/Orientation Programs**
 - Summer Letter & Possible Call-in Hours
 - Live Orientation program & counseling sessions
- **Podcasts**
 - Summer podcast
 - Interviews with LL.M. alums who took/did not take the bar and why, career implications
 - Informational podcast on bar exam & bar study
- **Written/Website Resources**
 - Sample cover letter for educational sufficiency determination
 - Sample appeal template

New York

Foreign Legal Education (Rule 520.6)

•Fulfilling the educational requirements for admission to the bar at an accredited school in a country other than the U.S.

- Durationally equivalent to the study for a U.S. J.D. degree
- Substantively equivalent to legal study in the U.S. (jurisprudence based upon the principles of English Common Law and legal education substantially equivalent to the legal education provided by an ABA accredited law school in the U.S.)

•If applicant has either a durational or substantive deficiency (but not both), he or she may “cure” that deficiency by completing an LL.M. program at an ABA accredited law school in the U.S.

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

New York

Cure Provisions - Required course work in the LL.M. Program

•Professional responsibility/legal ethics course (at least 2 credits)

•Legal research, writing and analysis course (at least 2 credits)

•American legal studies, American legal system or similar course (may apply 2 credits from Constitutional Law or Civil Procedure) (at least 2 credits)

•A minimum of 6 credits in other courses covering subjects tested on the NY bar exam (a principal focus of the course must include material contained in the *Content Outline* published by the BOLE)

•Note: Law Schools should submit their curriculum to the NY Court of Appeals for approval of courses which will satisfy each of the requirements

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

New York

Cure Provisions - Other Requirements/Limitations/Conditions

- Must complete the LL.M. degree within 24 months of matriculation
- Program must include at least two non-summer semesters of at least 13 weeks (exclusive of reading periods, examinations and breaks), and cannot be completed exclusively in summer sessions
- The 24 credits of study may include
 - up to 4 credits of summer study
 - up to 4 credits in qualifying clinical courses
 - up to 6 credits related to legal training taught by faculty at law school or affiliated school (e.g., B-school course on a legal topic)
- The 24 credits of study may not include distance, correspondence or external study, or for an on-line program or course

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

New York

FOREIGN QUALIFICATION EVALUATION

•Who should apply

- All foreign-educated applicants seeking to qualify to sit for the NY bar examination

•When to apply

- By October 1 of the preceding year for the July Bar
- Candidate should be strongly encouraged to submit materials before arriving on campus

•Timing of the BOLE's evaluation

- No review until BOLE has received all of the required documentation
- At least 6 months from the date all documents are received

• Application for the bar exam:

•After receiving approval (can apply before the decision, but there is no guarantee that BOLE can make a determination in time for the examination)

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

New York

254 Washington Ave. Extension
Corporate Plaza, Building 3
Albany, NY 12203
(518) 453-5990

www.nybarexam.org/Foreign/ForeignLegalEducation.htm

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

Washington, D.C.

D.C. App. Rule 46(b)(4)

•Applicants who studied at a foreign law school must successfully complete at least 26 semester hours of study in the subjects tested in the bar examination in an ABA approved law school

•All such 26 semester hours shall be earned in courses of study, each of which is substantially concentrated on a single tested subject

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

Washington, D.C.

- D.C. App. Rule 46 (b)(8)(iii)
 - Topics tested may include: administrative law, contracts, agency, UCC, equity, business associations, conflicts of laws, evidence, torts, wills, trusts, administration of estates, family law, real and personal property, civil and criminal procedure, constitutional law, criminal law, legal ethics and tax law
- MPRE

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

Washington, D.C.

When to apply?

- May 3 for July examination
 - December 15 for February examination
- District of Columbia Court of Appeals,
Committee on Admissions

<http://www.dccourts.gov/internet/appellate/admincommittee/main.jsf>

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

California

1. Attorneys Admitted in Jurisdictions outside of the U.S.
2. Foreign Law Students with first degree in law from law school outside the U.S. but not admitted in any Jurisdiction.
3. Foreign Law Students who completed their legal education outside the United States without receiving a qualifying first degree in law and not admitted in any Jurisdiction.

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

California

1. Attorneys Admitted in Jurisdictions outside of U.S.
 - Considered an attorney applicant if already admitted to practice law in a foreign jurisdiction.
 - Attorney applicants only have to submit proof of active admission in any jurisdiction.
 - No additional education requirements
 - No citizenship or residency requirements
 - LL.M. students may register as attorney applicants (as long as they are admitted to a bar) even if they are enrolled in an LL.M. program

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

California

2. Foreign Law Students with first degree in law from law school outside the U.S. but not admitted in any jurisdiction
 - Applicant must show that first degree is either
 - substantially equivalent to a JD or
 - meets the educational requirements to practice law in the country where it was obtained
 - Applicant has completed one year of legal education at an ABA approved law school or CA accredited law school.
 - Must complete 20 semester units
 - » 12 units must be from at least 4 subjects tested on the bar
 - One of the four courses must be Professional Responsibility and must cover CA rules of Professional conduct, Section of the CA business and Professions code, ABA Model rules of Conduct, and Leading federal and state case law.

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

California

The State Bar of California
180 Howard St.
San Francisco, CA 94105
415-538-2300
admsf@calbar.ca.gov

admissions.calbar.ca.gov

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

Massachusetts (BBE Rule VI applies)

- Every applicant must seek advanced determination of educational sufficiency from the BBE *at least 4 months prior* to applying to take the exam (submit required documents)
- Burden of proof = "to demonstrate that he or she has obtained an education similar in nature and quality to that of a graduate of an ABA-accredited law school."
- Every file receives one of 3 responses:
 - Must take further legal studies; OR
 - Is eligible to apply to sit for the exam; OR
 - Is eligible to apply for admission on motion (bypass exam)

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

Massachusetts (Determination of Educational Sufficiency)

Common Law Background

- Admitted to practice in a foreign jurisdiction;
- In good standing in admitted jurisdiction(s); AND
- 15 total credit hours at an ABA accredited law school that include: (1) professional responsibility; and (2) constitutional law

Civil Law Background

- Admitted to practice in a foreign jurisdiction;
- In good standing in admitted jurisdiction(s); AND
- 24 total credit hours at an ABA accredited law school that include: (1) professional responsibility; (2) constitutional law; AND (3) a minimum of 1 course from 3 of the substantive categories listed in Section 3.2.iii (includes procedural, business, commercial, criminal, property torts, estate law, etc.)

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

Massachusetts (Primary BBE Contact)

Marilyn J. Wellington
Executive Director, Mass. Board of Bar Examiners
Edward W. Brooke Courthouse
24 New Chardon St., 1st floor
Boston, MA 02114
(617) 482. 4466

www.mass.gov/bbe

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

Other States

- Texas
- Georgia
- Washington

www.ncbex.org/assets/media_files/Comp-Guide/CompGuide.pdf

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

Questions?

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL

Contact Information

Marni Goldstein Caputo
Assistant Director & Director of
International Advising
Harvard Law School
(617) 496-0071
mcaputo@law.harvard.edu

Clara Solomon
Director, Counseling & Career
Development Office
NYU School of Law
(212) 998-6077
clara.solomon@nyu.edu

Polly Lawson
Assistant Dean for Graduate Studies
University of Virginia School of Law
(434) 924-4545
lawson@virginia.edu

2015 ANNUAL EDUCATION CONFERENCE & RESOURCE CENTER EXHIBITION • APRIL 22 - 25, 2015 • CHICAGO, IL